

MEMO ENDORSED

From: Ben Hattem <ben.hattem@gmail.com>
To: CaproniNYSDCambers@nysd.uscourts.gov
Date: 04/13/2016 09:53 AM
Subject: BuzzFeed reporter request to unseal records

USDC SDNY
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Dear Judge Caproni,

I write to ask that you please consider ordering that certain records from the case of Carter v City of New York, docket # 14-cv-04236, be unsealed as a matter of public interest.

The records consist of video footage of two incidents that took place on the Bellevue Hospital Prison Psychiatric Ward on February 11 and February 12, 2014. My understanding is that this footage shows two attacks on Elimeen Carter, the plaintiff, by a hospital employee named Dwain Rodrigues, one of the defendants.

You have noted that the footage “goes well beyond demonstrating that a constitutional violation is ‘plausible,’” (docket 45) suggesting the gravity of the attacks it purportedly shows. In spite of this, the investigating agencies with access to the videos did not file a criminal indictment until March 23, 2016, more than two years after the alleged attacks. I respectfully submit that the release of footage showing these incidents is crucial to a full public understanding of why these taxpayer-supported agencies took as long as they did to pursue criminal charges, that it is relevant to a public assessment of the effectiveness of these investigative agencies, and that it is in keeping with the presumption of public access that you have noted applies to these records (docket 34).

Detailed descriptions of the footage exist already in the public records of this case and include the names of all parties involved in the incidents. As such, I believe that any countervailing privacy concerns stemming from the potential disclosure of identifying information about Elimeen Carter have been effectively waived by the plaintiffs in this case, who have already placed that information in the public record. If any non-parties appear in the footage, their faces may be obscured before the footage is unsealed to resolve any other privacy concerns about the release of the videos.

Thank you very much for considering this. I'm mailing a copy of this request to your chambers as well.

Sincerely,

Ben Hattem

BuzzFeed News
919-808-7291

WHEREAS the Court received this correspondence from Mr. Hattem via email on April 13, 2016, it is hereby ORDERED that the parties must respond to Mr. Hattem's request on or before April 29, 2016. The Clerk of Court is respectfully directed to send a copy of this endorsement to Mr. Hattem via email.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE
April 15, 2016